

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CITY OF SOUTH SIOUX CITY,  
NEBRASKA,

Plaintiff,

vs.

THE CHARTER OAK FIRE INSURANCE  
COMPANY, and PHILADELPHIA  
INDEMNITY INSURANCE COMPANY,

Defendants.

**4:17CV3108**

**PROGRESSION ORDER  
(AMENDED)**

IT IS ORDERED that the Plaintiff's motion to extend the progression order in this case due to the COVID-19 pandemic emergency is granted. (Filing No. 80). The final progression order is amended as follows:

- 1) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	July 7, 2020.
For the defendant(s):	August 18, 2020.
Plaintiff(s)' rebuttal:	September 1, 2020.
- 2) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is October 6, 2020.
- 3) The deadline for filing motions to dismiss and motions for summary judgment is November 10, 2020.

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is November 10, 2020.
- 5) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 6) The parties anticipate that this case will be resolved on summary judgment. The clerk shall change the internal case management deadline set for August 11, 2020 to November 11, 2020 to confirm the parties' anticipated dispositive motions have been filed.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 9th day of April, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge